

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47391 of 2015

Arising Out of PS.Case No. -173 Year- 2014 Thana -NAUHATTA District- SAHARSA

1. Chhedan Yadav Son of Nago Yadav
2. Rajo Sah son of Ramfu Sah @ Ramful Sah
Both Resident of Village- Murli, P.S. Nauhatta (Darhar O.P) District
Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sanjay Kumar Sharma (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-10-2015

Heard both sides.

The petitioners, namely, Chhedan Yadav and Rajo Sah, seek bail in a case under Sections 341, 323, 506, 376/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

The prayer for bail of the petitioners was earlier rejected vide order dated 23.04.2015 passed in Cr. Misc. No. 9028/2015 with an observation that the petitioners may renew their prayer for bail after remaining one year in jail. The petitioners are in jail for more than a year.

The prosecutrix alleged that Chhedan Yadav, Rajo Sah and Bijli Yadav dragged her to a field and thereafter Chhedan Yadav and Rajo Sah (the petitioners) caught her hands and Bijli

Yadav is alleged to have committed rape with her. The prosecutrix did not make any allegation of rape against the petitioners but the prosecutrix in her statement under Section 164 Cr.P.C. improved her case and made allegation that the petitioners also committed rape with her.

Considering the facts that the prosecutrix did not make allegations of rape against the petitioners in her Fardbeyan and the petitioners have already remained in jail for more than a year, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-I-cum-Special Judge, Saharsa in Nauhatta P.S. Case No. 173 of 2014 (POCSO Case No. 23/14).

(Prabhat Kumar Jha, J)

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